IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO. 21 OF 2005
IN
WRIT PETITION NO. 827 OF 2004

Naresh Rane and 25 ors.
...Petitioners.

Vs.

The Commissioner & Registrar of Co.op. and ors.
...Respondents.

Nerissa Britto i/by Gayatri Singh for the Petitioners.

Mr. P.M. Mokashi, AGP. for the Respondent No.1.

Mr. Milind More for the Respondent No.2.

CORAM : A.S. AGUIAR,J.
DATED : 11/3/2005.

P.C.:

1. Heard learned Advocate for the petitioners and the respondents.

2. Affidavit-in-reply of respondent No.2 is taken on record. Affidavit-in-reply filed by the respondent No.1 i.e. District Dy. Registrar dated 10.3.2005 is on record. The petitioners alleged contempt of this court by failure on the part of the respondents to comply with the clause No. (c) and

(d) of the operative part of the order dated 3.3.2004 passed by the Division Bench (A.P. Shah & S.C. Dharmadhikari, JJ.).

3. The learned Advocate for the respondent No.1 refers to Para-4 of the affidavit-in-reply filed by the respondent No.1 and submits that respondent no.1 has complied with the order although there is some delay. The respondent No.1 has in his reply also set out the steps taken by him and therefore, contended that there is no intentional or deliberate disobedience of the court's order. The said explanation is accepted.

4. So far as respondent No.2 is concerned, the respondent No.2 is the liquidator of the company appointed under the Maharashtra Co.operative Societies Act. Respondent No.2 states that he has complied with the order as far as possible and today 20% of the dues of the employees have been paid as set out in Para-9 of the affidavit. He has also set out the steps taken for sale of the property viz. advertising the sale of property. It is pointed out that the earlier advertisements received no response and therefore, third advertisement i.e. Public notice has been issued in Free Press Journal. It

therefore, appears that the liquidator of the respondent No.1 company has been diligent in taking steps to pay the dues of the employees as set out in the affidavit of respondent No.2.

5. No case of contempt made out. Hence, petition stands dismissed with no order as to costs.

(A.S.AGUIAR, J.)